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EXAMINER	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CALE T. RATH
and DAVID A. WALL

Appeal 2008-004321
Application 10/767,040
Technology Center 2100

Decided: August 17, 2009

Before ALLEN R. MACDONALD, HOWARD B. BLANKENSHIP, and JAY P. LUCAS, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-20, which are all of the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Invention

Appellants' invention relates to a method, system, and article of manufacture for managing structured data presented in a hierarchical format. The structured data may contain repeating fields or repeating groups of fields. Ordinal values indicating an order in which the repeating fields or field groups occur in the structured data may be created and stored with the structured data in relational tables. Upon retrieval, the ordinal values may be used to reconstruct the structured data with data for the various fields in the original order in the hierarchical format in which it was presented. (Abstract).

Representative Claims

1. A method for managing structured data having one or more repeating fields, comprising:

receiving a hierarchical data structure containing the structured data wherein the structured data is annotation data related to an annotated data object and wherein at least two instances of a repeating field are contained in the structured data;

parsing the structured data to identify the repeating fields;

generating an ordinal value for each instance of the repeating fields, each ordinal value indicating an order in which a corresponding instance of a repeating field occurs in the hierarchical data structure as received; and

storing the structured data and ordinal values in one or more relational tables.

4. The method of claim 1, wherein the structured data contains at least one repeating group of one or more fields, and the method comprises generating a group ordinal value for each instance of the repeating group of fields, each ordinal value indicating an order in which a corresponding instance value of the repeating group of fields occurs in the structured data as received.

Prior Art

Chau	2002/0123993 A1	Sep. 5, 2002
Mihai	2005/0065817 A1	Mar. 24, 2005

Examiner's Rejections

Claims 1-5 and 7-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chau.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chau and Mihai.

Claim Groupings

Based on Appellants' arguments in the Appeal Brief, we will decide the appeal on the basis of claims 1 and 4. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUES

(1) Have Appellants shown error in the Examiner's finding that Chau discloses a hierarchical data structure and an annotated data object as recited in claim 1?

(2) Have Appellants shown error in the Examiner's finding that Chau discloses a group ordinal number applied to multiple instances of a repeating group, in addition to a field ordinal applied to instances of a repeating field, as recited in claim 4?

FINDINGS OF FACT

We rely on the Examiner's findings stated in the Final Rejection and the Examiner's Answer.

PRINCIPLES OF LAW

Claim Interpretation

During examination, claims are to be given their broadest reasonable interpretation consistent with the specification, and the language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Amer. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted). The Office must apply the broadest reasonable meaning to the claim language, taking into account any definitions presented in the specification. *Id.* (citing *In re Bass*, 314 F.3d 575, 577 (Fed. Cir. 2002)).

Anticipation

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. Inc. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

ANALYSIS

Claim 1

Appellants contend that Chau does not disclose both the claimed hierarchical data structure and the annotated data object (App. Br. 12). The Examiner finds that the XML document is a hierarchical data structure (Ans. 9). The Examiner further finds that the claim term annotation data, when read in light of the Specification, is broad enough to include "any type of descriptive information associated with one or more data objects," such as textual comments contained in the comment field of Chau (*id.* (emphasis omitted)). Therefore, an XML data object that contains textual annotations in the comment field is an annotated data object (*id.*).

Appellants respond to the Examiner's findings by alleging that the claim terms "hierarchical data structure containing structured data" and "annotated data object" are clearly distinct from one another (Reply Br. 2). However, Appellants have provided no evidence to support their allegation that the "annotated data object" is clearly distinct from the "hierarchical data structure" and not an additional feature contained in the hierarchical data structure as interpreted by the Examiner (Ans. 9). Appellants have therefore not met their burden of rebutting the Examiner's interpretation of "annotated data object" as an XML data object with textual annotations in the comment field of the XML document, or "hierarchical data structure." We agree with the Examiner's claim interpretation in that the scope of the terms "hierarchical data structure" and "annotated data object" as recited in claim 1 do not distinguish over the hierarchical XML document having data objects annotated by the comment fields as described in Chau.

Appellants have failed to show error in the Examiner's rejection of claim 1. Therefore, we sustain the Examiner's rejection of claim 1.

Claim 4

Appellants contend that Chau does not disclose a group ordinal number applied to multiple instances of a repeating group, in addition to a field ordinal applied to instances of a repeating field (App. Br. 14). Claim 4 recites "at least one repeating group of one or more fields." The Examiner correctly interprets the scope of this limitation as including one repeating group having one field, which is the same as one repeating field (Ans. 10). The Examiner correctly finds that "generating a group ordinal value for each instance of the repeating group of fields" as recited in claim 4 does not distinguish over the ordinal value for each instance of a repeating field as described by Chau (*id.*).

Appellants respond to the Examiner's finding by alleging that claim 4 requires two independent values, a field ordinal and a group ordinal, even though the ordinal values may be the same magnitude (Reply Br. 3). However, the phrase "two independent values" is not recited in claim 4 and Appellants have provided no evidence or convincing arguments for reading "two independent values" into claim 4. In fact, if a group only has one field, then the ordinal value of the group and the ordinal value of the one field of that group would necessarily be dependent upon each other, because the group and the field are the same thing, as correctly noted by the Examiner (Ans. 10). We therefore agree with the Examiner's finding that claim 4 broadly reads on the ordinal values for each instance of a repeating field as described by Chau.

Appellants have failed to show error in the Examiner's rejection of claim 4. Therefore, we sustain the Examiner's rejection of claim 4.

CONCLUSIONS OF LAW

(1) Appellants have failed to show error in the Examiner's finding that Chau discloses a hierarchical data structure and an annotated data object as recited in claim 1.

(2) Appellants have failed to show error in the Examiner's finding that Chau discloses a group ordinal number applied to multiple instances of a repeating group, in addition to a field ordinal applied to instances of a repeating field, as recited in claim 4.

DECISION

The Examiner's rejection of claims 1-5 and 7-20 under 35 U.S.C. § 102(b) as being anticipated by Chau is affirmed.

The Examiner's rejection of claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Chau and Mihai is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

msc

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